spent some time in London before he returned to the provinces to set up a practice. Although he was a member of a titled family, it was the impoverished cadet branch. He was, however, intelligent, attractive and very ambitious. Like many Edinburgh-trained physicians, he was interested in ventilation and hospital design. He also shared Percival's Baconian dream of advancing medical practice and science 'to do good small work for Middlemarch, and great work for the world'.[104] Unlike Percival he was unable to rise above the petty rivalries that characterized medical practice in a small town. He also had a weakness for beautiful, empty-headed women.

Although many of the professional goals of Percival and Lydgate were similar, it is unlikely that a real Lydgate could have realized them, even without that 'spot of commonness' revealed by his choice of a wife. The most prudent of wives could not have provided the unfortunate Lydgate with what he so obviously lacked and perversely renounced by being in Middlemarch, namely, the accoutrements of a modern profession. Almost thirty years after Percival, Lydgate and real doctors like him pursued their vocations in provincial communities more or less devoid of the institutional props necessary for the 'rational reformer'. Lydgate had no like-minded colleague, such as John Haygarth or John Aikin; there was as yet no modern teaching hospital in Middlemarch, no experimental laboratories such as the one shared by Percival and Priestley, no great public library and no famous literary and philosophical society. Neither was there for Lydgate the all-important membership of the Royal Society which provided young physicians with the criticism, encouragement, and patronage necessary for their advancement. Lydgate, moreover, did not maintain connections with his Edinburgh teachers, as Percival had cultivated the association with Dr Cullen. Middlemarch had no academy to sustain an old boys' network and no equivalent to the Dissenting establishment; nor did it attract a stream of visitors with news and knowledge from abroad. Lydgate had neither the address nor the entrée to establish epistolary relationships with the heirs to d'Alembert and Diderot. For these reasons his youthful schemes of philanthropy and fame came to little more than a fashionable practice and a small treatise on gout.

Lydgate's plight brings into focus those important features of Enlightenment medicine we have outlined above, notably the increasingly social and co-operative nature of scientific practice and research and its growing dependence upon a variety of new public institutions. Lydgate's solitary pursuits would have seemed to

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eighteenth-century predecessors like Percival as futile as those of Eliot's Casaubon, the arid pedant whose search for 'the key to all mythologies' epitomized the ethos of pre-Baconian science.

Medical Ethics and Medical Practice

The Physician's Contract

In the Preface to his *Medical Ethics* (1803) Percival took his lead from the Preface to Bacon's *Elements of the Common Laws of England*, according to which every man is:

> a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed, in some degree, by the honest and liberal practice of a profession; when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof; and preserve themselves free from the abuses wherewith the same profession is noted to be infected; But much more is this performed, if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in profession and substance.[105]

Percival's invocation of Bacon's passage served as a precise statement of vocational duty for the medical profession of the eighteenth century. It can be examined not only for its normative precepts but also for its language and style.

That a physician should aspire to be an 'ornament' to his profession, and that he had a duty to cultivate the qualities that would make him so, can very easily be viewed by modern readers as nothing but a professional affectation. The term, however, connoted more than the merely decorative and still preserved much of the original meaning that is implied in Bacon's description, of the richly endowed or equipped, i.e. that which is both useful and beautiful and beautiful because useful. This Baconian ideal and its rich terminology were passed down to generations of medical students through the lectures of great teachers such as Boerhaave and Cullen. According to the latter, as we have seen, the honest and liberal practice of one's profession was the conduct of a Christian gentleman. If the physician added to this character a devotion to science, then he was truly a philosopher and thus an ornament to his profession.

Critics who have been disconcerted by the constant references in Percival's *Medical Ethics* to 'the reputation and dignity of the profession' will perhaps be satisfied if it can be shown that such

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suspicious claims were not necessarily the language of agitation by a group of proto-monopolists. This language was rather part of the Baconian 'mantra' of the new scientific and reforming physicians who believed that the 'dignity' of their profession, in fact its only *raison d'être*, depended on the progressive development of a public body of scientific knowledge. The frequent invocation of such language in the late eighteenth century is not in itself an indication of professional dissolution or disrepute.[106] It was an expression of the view that the reputation of the medical profession had been built on false premises and that these had to be rectified. As such, it was the language of a new confidence, not of defensiveness. The reformist physicians insisted on the acquisition of scientific knowledge as an essential part of the particular duties of a physician and of his implied contract with society. Ultimately it was scientific knowledge that bound the profession together, equipped it as a profession, and served as its brightest ornament.

From Bacon's epigrammatic statements to Gregory's ethics we have found the idea that every man who takes up the office of a profession owes a debt to the body of men making up this profession as well as to the society which they jointly are professing to serve. A profession was thus primarily a voluntary association characterized by a set of duties and rights. For Percival such an association could be understood in terms of its *esprit de corps*, which, like honour, could be either honest or dishonest. If the former, it was 'a principle of action founded in human nature, and when duly regulated, is both rational and laudable'. He also explained the concept of the medical fraternity and the duties it entailed in terms borrowed from Bacon:

> Every man who enters into a fraternity engages, by a *tacit compact*, not only to submit to the laws, but to promote the honour and interest of the association, so far as they are consistent with morality, and the general good of mankind.[107]

In his discussion of the duties of the medical office, Percival also invoked William Blackstone, whose *Commentaries on the Laws of England* had an impact far beyond the law. Blackstone made explicit what was implicit in so much contemporary social thought, namely that the idea of a compact, invoked by Bacon for the professions, applied to society at large. Just as the members of a professional society merely by becoming members engaged themselves to perform certain duties with regard to other members, so all office-holders by virtue of holding their office, whatever it might be, had

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an implied compact or contract with the relevant group or the public at large properly to perform the duties of that office. A specifiable harm that arose from neglect of such duties was thus an actionable one:

> The last class of contracts implied by reason and construction of law arises upon this supposition, that every one who undertakes any office, employment, trust, or duty, contracts with those who employ or entrust him, to perform it with integrity, diligence, and skill. And, if by his want of either of those qualities any injury accrues to individuals, they have therefore their remedy in damages by a special action on the case.[108]

Blackstone also illustrated the legal notion of implied contracts between office-holders and the public at large. Advocates and attorneys:

> that betray the cause of their client, or, being retained, neglect to appear at the trial, by which the cause miscarries, are liable to an action on the case, for a reparation to their injured client. There is also in law always an implied contract with a common inn-keeper, to secure his guest's goods in his inn; with a common carrier or bargemaster, to be answerable for the goods he carries; with a common farrier, that he shoes a horse well, without laming him; with a common taylor, or other workman, that he performs his business in a workmanlike manner: in which if they fail, an action on the case lies to recover damages for such breach of their general undertaking. But if I employ a person to transact any of these concerns, whose common profession and business it is not, the law implies no such *general* undertaking; but in order to charge him with damages, a *special* agreement is required. Also if an inn-keeper, or other victualler, hangs out a sign and opens his house for travellers, it is an [implied] engagement to entertain all persons who travel that way; and upon this universal *assumpsit* an action on the case will lie against him for damages, if he without good reason refuses to admit a traveller.[109]

The legal notion of implied contract was no more than a formalization of a much more general understanding of the ethics of social relations. We find it expressed in a great deal of contemporary writing and teaching of ethics, where it was derived from common natural-law systems just as Blackstone drew on common law. As we have noted already, a striking illustration in the present context is to be found in Thomas Reid's manuscript papers on practical ethics:

> I apply to a man who professes the healing Art. I tell him that I labour under such an ailment, & desire his advice. He prescribes for

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> me without any more ado. It is evident that he comes under an obligation to prescribe for me according to the best of his skill & I to pay him a reasonable fee though no such thing was expressed on the one hand or the other. The consent to this reciprocal obligation is implyed in the Nature of his Profession my application to him & his prescription for my health.[110]

Moreover, and significantly,

> It is not solely The Physician's Oath taken at his inauguration that binds him to the faithfull discharge of the duty of a Physician; his taking upon him the Character virtually & implicitly binds him to this without Oath or Promise. He violates the contract implied in his profession, when he does not prescribe faithfully and honestly.[111]

Although the terms tacit and implied contract were sometimes used interchangeably a distinction can be made. According to Knud Haakonssen, a tacit contract, such as the professional obligation described by Bacon, is simply an unspoken contract or 'an event' involving the will of the contracting parties which gives rise to an obligation. On this interpretation entering the fraternity of physicians is a tacit agreement. Implied contract, on the other hand, is not an event but a moral relation between two or more parties. It does not, as does the tacit contract, suppose an act of will; it could be a situation like the one Reid describes where the parties infer a contract from the nature of the situation they find themselves in, i.e., their particular role or office at the time.[112]

The contract between a physician and his patient also extended to the question of fees. Percival explained, for example, that the traditional honorary or voluntary nature of the physician's reward had been first established by Roman law and subsequently adopted into common law. He noted that fees were subject to long-established variables such as the value of the physician's time, the eminence of his character, and his general rule of practice. From this general rule:

> *a tacit compact* is established, restrictive on the claims of the practitioner, and binding on the probity of the patient. Law cannot properly, by its ordinances, establish the custom, which will and ought to vary in different situations, and under different circumstances. But a court of judicature, when formally appealed to, seems to be competent to authorize it if just, and to correct it if unjust. Such decisions could not wholly change the honorary nature of fees; because they would continue to be increased, at the discretion of the affluent, according to their liberality and grateful sense of kind attentions; and diminished, at the option of the physician, to those who may, from particular circumstances, require his beneficence.[113]

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